<u>REMARKS</u>

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Advisory Action mailed on April 21, 2010 (U.S. Patent Office Paper No. 20100419) and the Final Office Action dated December 9, 2009 (U.S. Patent Office Paper No. 20091130). In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1, 4-6, 8-11, 14-16, 18-21, 24-26, and 28 stand for consideration in this application, wherein claims 7, 17, and 27 are being canceled without prejudice or disclaimer, and wherein claims 1, 8, 11, 18, 20, and 28 are being amended to improve form. All amendments to the application are fully supported therein. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Formality Rejection

The Examiner rejected claim 21 under 35 U.S.C. §112, second paragraph, as being indefinite in the Final Office Action dated December 9, 2009. This rejection was withdrawn in the Advisory Action mailed on April 21, 2010.

Prior Art Rejections

The Examiner rejected claims 1, 4-6, 11, 14-16, 20, and 24-26 under 35 U.S.C. §103(a) as being unpatentable over the Background of the Invention section of the present application ("Takeda") in view of Bellwood (U.S. Patent No. 6,584,567). The Examiner rejected claims 7-8, 17-18, and 27-28 under 35 U.S.C. §103(a) as being unpatentable over Takeda in view of Meushaw (U.S. Patent No. 6,922,774). The Examiner rejected claims 9, 10, and 19 under 35 U.S.C. §103(a) as being unpatentable over Takeda in view of Winget (U.S. Patent No. 7,275,157). The Examiner rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Takeda in view of Johansson (U.S. Patent No. 7,333,482). Applicants have reviewed the above-noted rejections, and hereby respectfully traverse.

A proper obviousness rejection that relies on a combination of prior art elements requires establishing that the prior art references, when combined, teach or suggest all of the claim limitations. MPEP §2143. Furthermore,"[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). That is, to render a claim obvious under 35 U.S.C. §103, a determination must be made that the claimed invention "as a whole" would have been obvious to person of ordinary skill in the art when the invention was unknown and just before it was made. MPEP §2142.

As outlined above, claims 1, 4-6, 8-11, 14-16, 18-21, 24-26, and 28 remain of record. Accordingly, Applicants respectfully submit that Takeda, either alone or in combination with Bellwood, Meushaw, Winget, and/or Johansson, fails to teach, suggest, or disclose each and every limitation of claims 1, 4-6, 8-11, 14-16, 18-21, 24-26, and 28. For example, none of the cited prior art references teach or suggest that "**the first process is a process for terminating a first security process** for the received packet" as required by independent claim 1. Rather, Takeda merely states that "a TLS (Transport Layer Security) protocol adopted as **a protocol for providing a security function** on a session layer…is a security protocol positioned between a transport layer and an application layer as a protocol for authentication and encryption." (Para. [0020]) (emphasis added).

In the comments section on page 3 of the Advisory Action, the Examiner states that "applicant…concludes that the cited prior art merely discloses end to end security process and implementation of a security protocol. Examiner disagrees with the characterization of the art. Specifically, one of ordinary skill in the art would understand the implementation of security process disclosed by [the Background] and equate the security process of claim 1." Applicant respectfully submit, however, that the Response dated April 5, 2010 only includes the statement, on page 9, that Takeda provides "a description of a protocol that can be applied in performing authentication of end-to-end network communications." It is unclear how the Examiner interpreted an assertion that the Takeda describes a protocol as a conclusion that Takeda discloses a "security process and implementation of a security protocol." Applicants did not made such a statement or conclusion. Rather, Applicants stated the exact opposite on page 9 of the Office Action: "Takeda **includes neither** any discussion of how any security process applying such a protocol would be implemented in a particular system **nor** any mention or suggestion of any particular terminal on which any process for terminating a security process is executing." (Response, p. 9) (emphasis added). Furthermore,

Moreover, the Examiner also states in the comments section of the Advisory Action that "as applicant concedes on page 9 of the arguments, the claim as it currently stands does not require 'any discussion of how any security process applying such a protocol would be implemented in a particular system nor any mention or suggestion of any particular terminal on which any process for terminating a security process is executing.'" Applicants respectfully submit, however, that page 9 of the Response states the exact opposite of what the Examiner reads it to concede. In particular, the Response expressly states that claim 1 does require a terminal on which a process for terminating a security process is executing: "Takeda includes neither any discussion of how any security process applying such a protocol would be implemented in a particular system nor any mention or suggestion of any particular terminal on which any process for terminating a security process is executing, **as required by claim 1**." (Response, p. 9) (emphasis added).

On page 4 of the Final Office Action, the Examiner refers to the mere description of a protocol that can be applied in performing authentication of end-to-end network communications in Takeda as corresponding to "the first process" of claim 1. Authentication, however, is clearly not a process performed for terminating a security process for a received packet, as required by claim 1. Claim 1 describes both **a first security process and a first process for terminating** the first security process. Furthermore, while the Examiner similarly refers to the description in Takeda of the protocol as being applied in performing encryption of end-to-end network communications as corresponding to "the second process" of claim 1, encryption, which may be applied in a security process for a received packet, is still clearly not a process performed for terminating a security process for a received packet, as required by claim 1. Claim 1 describes both **a second security process and a second process for terminating** the second security process. Takeda merely references a protocol that can be applied to provide security for communications over networks. The mere reference to a protocol does not include any teaching or suggestion of any processes that are executed to thereby terminate security processes.

In the comments section on page 3 of the Advisory Action, the Examiner, in describing Takeda, states that "[t]he first security process in this case is a security protocol and the node specifically terminates that protocol because it discloses using the protocol to provide security provisions to the client. As such, [']the first process is a process for terminating a first security process['] is fully disclosed by Takeda..., because Takeda discloses implementation of a security process and recovery of packet, thereby terminating

the security process." It is unclear what the Examiner means by the statement "[t]he first security process in this case is a security protocol." A protocol is not a process. A protocol is simply a set of formal rules. It is also unclear what the Examiner is specifically referring to in the cited portion of Takeda as corresponding to any of "the node," "the client," and "recovery of packet." Takeda merely states that "a TLS (Transport Layer Security) protocol adopted as **a protocol for providing a security function** on a session layer...is a security protocol positioned between a transport layer and an application layer as a protocol for authentication and encryption." (Para. [0020]) (emphasis added). Takeda fails to include either any discussion of how any security process applying such a protocol would be implemented in a particular system or any mention or suggestion of any particular terminal on which any process for terminating a security process is executing, both of which are required by claim 1.

Furthermore, Bellwood contrastingly describes "[a] method of **enabling a proxy to participate** in a secure communication between a client and a set of servers. The method begins by **establishing a first secure session** between the client and the proxy." (Abstract) (emphasis added). Bellwood describes that "[a] client that is using a network security protocol (e.g., SSL or TLS) to communicate with an origin server **allows a proxy to participate in the session without changing the security attributes of the session**" (col. 2, 4-7), and further explains that "[i]t is thus an object of the present invention to enable a given third party intermediary or proxy to participate in a secure session between a client and one or more origin servers" (col. 2, ll. 19-22) and that "[i]t is another object of the invention **to enable security and other services** (e.g., transcoding, caching, monitoring, encryption/decryption on the client's behalf, and the like) **to coexist** while communications are passed according to a network security protocol." (Col. 2, ll. 27-31) (emphasis added). A client that enables a proxy to participate in a communication session between the client and a server without changing any security attributes of the communication session, as described in Bellwood, is very clearly not terminal on which any process for terminating a security process is executing, as required by claim 1.

Likewise, Johansson merely describes having "foreign agent 2 and home agent 3 act as TLS application proxies when the mobile node 3 is accessing correspondent nodes 4 on the visited 8 and home 9 network respectively" to thereby "relieve the mobile node 3 to establish security associations with every correspondent node 4 and vice versa" and off-load "heavy encryption tasks from the correspondent node 4 to an agent 2 or 3, which more likely have

encryption implemented in hardware." (Col. 20, ll. 56-65) (emphasis added). An agent that acts a proxy for simply establishing security associations and performing encryption using hardware components, as described in Johansson, is very clearly not a terminal on which any process for terminating a security process is executing, as required by claim 1. Furthermore, neither Meushaw nor Winget includes any mention or suggestion of any terminal on which any process for terminating a security process is executing, as required by claim 1.

Therefore, Applicants respectfully submit that none of the cited prior art references teach or suggest that "the first process is a process for terminating a first security process for the received packet" as required by claim 1. For this reason alone, claim 1 is patentable over the cited references.

In another example, Applicants respectfully submit that none of the cited prior art references teach or suggest of "a program of a first operation system and a program of a second operation system executed on the first operation system; wherein **the first process** is **executed on the second operation system**; and wherein **the second process** is **executed on the first operation system**" as required by claim 1. As described by claim 1, "**the first process is a process for terminating** a first security process for the received packet" and "**the second process is a process for terminating** a second security process for the received packet." For similar reasons to those discussed above, none of the cited references include mention or suggestion of two different processes that are executed on respective different operation systems to terminate respective security processes for a received packet, as required by claim 1. For this reason alone, claim 1 is patentable over the cited references.

In yet another example, for similar reasons to those discussed above, Applicants respectfully submit that none of the cited prior art references teach or suggest that "the second process is a process for terminating a second security process for the received packet" as also required by claim 1. For this reason alone, claim 1 is patentable over the cited references. In still yet another example, for similar reasons to those discussed above, Applicants respectfully submit that none of the cited prior art references teach or suggest that "the first and second processes are executed on the same layer of said received packet" as also required by claim 1. As provided above, none of the cited references include any teaching or suggestion of any terminal on which any process for terminating a security process is executing. Therefore, it is clear that none of the cited references include any further teaching or suggestion of any terminal on which two processes for terminating two security processes respectively for a received packet are executing or any further teaching or

suggestion of any such processes being executed by terminal on the same layer of the received packet, both of which are also required by claim 1. For this reason alone, claim 1 is patentable over the cited references.

For at least these reasons, Applicants respectfully submit that Takeda, either alone or in combination with Bellwood, Meushaw, Winget, and/or Johansson, fails to teach, disclose, or suggest each and every limitation of claim 1 and, therefore, that claim 1 is now in condition for allowance. For similar reasons to those discussed above with reference to claim 1, Applicants respectfully submit that Takeda, either alone or in combination with Bellwood, Meushaw, Winget, and/or Johansson, fails to teach, disclose, or suggest any of the following similar limitations required by independent claim 11: that "the first process is a process for terminating a first security process for said received packet"; that "the second process is a process for terminating a second security process for said received packet"; that "the first and second processes executed by the terminal are executed on the same layer of a packet received from the server"; and that "the memory further stores a program of a first operation system and a program of a second operation system executed on the first operation system; the first process executed by the terminal is executed on the second operation system; and the second process carried out in the terminal is executed on the first operation system." Therefore, claim 11 is also now in condition for allowance.

Moreover, also for similar reasons to those discussed above with reference to claim 1, Applicants respectfully submit that Takeda, either alone or in combination with Bellwood, Meushaw, Winget, and/or Johansson, fails to teach, disclose, or suggest any of the following similar limitations required by independent claim 20: that "the first process is a process for terminating a first security process for the received packet"; that "the second process is a process for terminating a second security process for the received packet"; that "the first and second processes are executed on the same layer of the received packet;" and that "the program memory further stores a program of a first operation system and a program of a second operation system executed on the first operation system; wherein the first process is executed on the second operation system; and wherein the second process is executed on the first operation system." Therefore, claim 20 is also now in condition for allowance.

Where an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 U.P.S.Q.2d 1596, 1598 (Fed. Cir. 1988). Because Takeda, either alone or in combination with Bellwood, Meushaw, Winget, and/or Johansson, fails to teach, disclose, or suggest each and every limitation required by each of

claims 1, 11, and 20 respectively, and because claims 4-6 and 8-10, claims 14-16, 18, and 19, and claims 21 and 24-26, and 28 depend either directly or indirectly from claims 1, 11, and 20 respectively, Applicants respectfully submit that Takeda, either alone or in combination with Bellwood, Meushaw, Winget, and/or Johansson, does not render obvious claims 4-6 and 8-10, claims 14-16, 18, and 19, and claims 21 and 24-26, and 28 for at least the reasons set forth above that it does not render obvious claims 1, 11, and 20 respectively and, therefore, that claims 4-6, 8-10, 14-16, 18, 19, 21, 24-26, and 28 are also now in condition for allowance.

Finally, as discussed in the Response submitted on April 5, 2010, Applicants respectfully submit that the section of Winget cited by the Examiner cannot be used to support the rejection of rejected claims 9, 10, and 19 under 35 U.S.C. §103(a). In particular, the Examiner cites column 2, lines 28-46 of Winget as disclosing performing TLS between a mobile node and a server. (Final Office Action, pg. 10). The Winget reference was filed on December 5, 2003 and claims priority to U.S. Provisional Application No. 60/511,187 ("the '187 application"), filed October 14, 2003, and to U.S. Provisional Application No. 60/473,507, filed May 27, 2003 ("the '507 application"). The specific section of Widget cited by the Examiner, however, is only supported in the '187 application and not in the '507 application.

In the comments provided on page 3 of the Advisory Action, the Examiner states that "as per rule 1.116(e), applicant should have provided sufficient reasoning [why] the evidence was previously not presented." Applicants respectively disagree. Rule 1.116(e) applies to "[a]n affidavit or other evidence submitted after a final rejection." An argument submitted to rebut the assertion that a cited reference constitutes prior art is not an affidavit or any evidence and, therefore, Rule 1.116(e) is not applicable to the argument pertaining to Winget presented in the Response submitted on April 5, 2010. Furthermore, because Winget was only first cited in the Final Office Action mailed on December 9, 2009, it is not clear how such an argument could have been previously presented. Accordingly, Applicants respectively request that the rejection of claims 9, 10, and 19 under 35 U.S.C. §103(a) based on Winget be withdrawn.

Therefore, Applicants respectfully submit that the present invention as claimed is distinguishable and thereby allowable over the prior art of record.
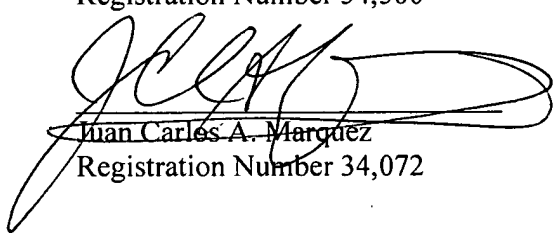
Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Final Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

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